

Remarks

Claims 15, 16, 28, and 29 are pending.

By the above amendment, unnecessary Figures 7-11, which were not present in the parent application, have been deleted. The title has been rewritten to better reflect the invention claimed in this divisional application. The cross-reference to the parent application in the specification has been updated to include its status.

Independent claim 15 has been rewritten to clearly define the EOS protease by reference to the identified sequences and dependent claims 28 and 29 have been added to provide further coverage for specific embodiments of the sequences, as supported in the specification, e.g., at page 3, lines 25-26, and by original claim 11. Claim 16 has been amended to correct spelling and grammatical errors.

The Examiner rejected original claims 15 and 16 under 35 U.S.C. § 112, first paragraph, on two grounds, namely: (i) as containing subject matter not described in the specification as reasonably conveying possession of the claimed subject matter; and (ii) as lacking enablement for the full scope of the claimed subject matter. Both grounds of rejection appear to be grounded on the definition of the EOS protease as originally presented. From comments provided in the Office Action in reference to both grounds of rejection, however, the Examiner does not appear to question that the specification demonstrates possession of, and enables, the claims as presently amended, wherein, the protease is now clearly defined as having an amino acid sequence corresponding to

SEQ.ID.NO.:7 or 9. Accordingly, Applicant requests the Examiner to withdraw the rejections under the first paragraph of Section 112.

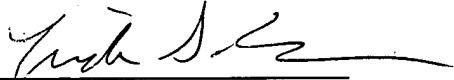
In the outstanding Office Action, claims 15 and 16 were also rejected for indefiniteness under 35 U.S.C. § 112, second paragraph. In particular, the Examiner indicated that the meaning of "EOS protease protein" is ambiguous. Applicant has amended the independent claim to remove the redundant recitation of "protein". Accordingly, the rejection under Section 112, paragraph two, has been overcome.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies et al. (*J. Biological Chem.*, 1996) and Egelrud et al. (US 5,834,290). Claims 15 and 16 were also rejected as being obvious based on Wood et al. (WO 99/14328) and Egelrud et al. Claims 15 and 16 were further rejected under Section 103(a) based on Antalis et al. (WO 98/36054) combined with Egelrud et al. The Examiner applied these references as supposedly suggesting the invention in light of the ambiguous recitation in the original claims of "protease EOS protein activity". The meaning of the protease has now been clearly defined by reference to amino acid sequences. Accordingly, there can now be no doubt that the cited references fail to teach or suggest the claimed invention. Applicant therefore requests that the Section 103(a) rejections be withdrawn.

In view of the foregoing, the pending claims are allowable. Applicant therefore

requests prompt and favorable action.

Respectfully submitted,

  
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